



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 19, 2018
AGENDA DATE: February 28, 2018
PROJECT ADDRESS: 758 Juanita Avenue (MST2017-00786)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Jessica W. Grant, Acting Senior Planner *JWG*
Stephanie Swanson, Assistant Planner

I. PROJECT DESCRIPTION

The 12,884 square-foot site is currently developed with a one-story 1,145 square foot (net) single family residence and attached two-car garage. The existing residence is non-conforming to the northeastern interior setback by approximately six inches. The proposed project involves a 914 square foot residential addition that would continue the non-conforming plane for approximately 32 feet in the interior setback (13.8 square feet). An existing wood wall beneath an existing fence is proposed for replacement with a block wall, ranging in height from three and a half feet to six feet, and with a six foot wood fence atop it. The proposed wall and fence height will require a Minor Zoning Exception to be reviewed and approved by the Single Family Design Review Board.

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is:

1. Interior Setback Modification to allow the proposed residential addition to encroach into the required ten foot northern interior setback (SBMC §30.20.030.A and SBMC §30.250.030.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings in Section V of this report.

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Cliff Hubbard	Property Owner: Hubbard 2003 Living Trust
Parcel Number: 035-073-010	Lot Area: 12,884 square feet
General Plan: Alta Mesa; Low Density Residential (Max 3 du/acre)	Zoning: RS-15 (Residential Single Unit, 15,000 square foot minimum lot size)
Existing Use: Single Family Residence	Topography: 24% average slope
Adjacent Land Uses:	

North – RS-15; 762 Juanita Avenue – Single Family Residence (2-story)

East – RS-15; 841 Margo Street – Single Family Residence (2-story)

South – RS-15; 752 Juanita Avenue – Single Family Residence (1-story)

West – RS-15; 761 Juanita Avenue – Single Family Residence (1-story)

B. EXISTING AND PROPOSED PROJECT STATISTICS

Single Family Residence	1,145 sq. ft. (net)	2,059 sq. ft. (net)
Attached Garage	406 sq. ft. (net)	406 sq. ft. (net)

C. PROPOSED LOT AREA COVERAGE

Building	2,591 sq. ft. (20%)
Hardscape	1,321 sq. ft. (10%)
Landscape	8,972 sq. ft. (70%)

IV. DISCUSSION

Previous Project

The applicant previously submitted for a two-story addition under MST2013-00103. The proposal was initially approved by the Single Family Design Board (SFDB) as a 1,467 square foot addition that would continue the existing plane of the existing structure on the northeastern interior side of the property. The project was revised to be a 1,793 square foot two-story addition and granted Review After Final by the SFDB on November 23, 2015. A building permit (BLD2016-00608) was applied for and then issued. The residence was not shown as non-conforming on the submitted plans, and there are no City records that indicate the non-conformity; therefore, no modification was applied for. The issued building permit expired without construction taking place. In preparation for resubmitting a new application, the applicant hired a surveyor who documented the existing structure's non-conforming status to the northeastern interior setback. When the project was resubmitted, it included a redesign from a

two-story addition to only a one-story addition. (Exhibits A, Project Plans and B, Applicant Letter).

Non-Conforming Additions

Santa Barbara Municipal Code (SBMC) Title 30 allows for non-conforming additions in interior setbacks without a modification (SBMC 30.165.050.C). There are six requirements for a project to proceed without a modification: (1) new square footage is less than the currently existing non-conforming square footage; (2) addition will continue the existing non-conforming plane and maintain a 5'-0" interior setback; (3) addition will not exceed 20'-0" in length; (4) addition's height complies with non-conforming development standards; (5) existing use and residential density is conforming; and (6) all other development standards are met. The proposed project does not meet the first and third requirements. The existing residence has 9.7 square feet (26 linear feet) within the interior setback; the proposed addition would include 13.8 square feet (32 linear feet). Therefore, an interior setback modification is required.

Design Review

The current project was reviewed by the Single Family Design Board (SFDB) on January 8, 2018 under MST2017-00786 on the SFDB's full board agenda (Exhibit C). The board gave positive comments regarding the project, noting that the proposed project was aesthetically appropriate, as well as compatible to the neighborhood in terms of size, mass, and bulk. The proposed wall/fence combination along the interior property line exceeds the allowable 8'-0", and therefore the project requires a Minor Zoning Exception to have the proposed 12'-0" wall/fence.

Interior Setback Modification

Per SBMC Section 30.250.060.F, the Staff Hearing Officer is required to make the following findings below.

1. The Modification is consistent with the general purposes of this Title or the specific purposes of the zoning district in which the project is located; and
2. The Modification is necessary to accomplish any one of the following:
 - a. Secure an appropriate improvement on a lot; or
 - b. Prevent unreasonable hardship due to the physical characteristics of the site or development, or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, proximity to creeks, or other unusual circumstance; or
 - c. Result in development that is generally consistent with existing patterns of development for the neighborhood, or will promote uniformity of improvement to existing structures on the site; or

- d. Construct a housing development containing affordable residential units rented or owned and occupied in the manner provided for in the City's Affordable Housing Policies and Procedures.

The project would be consistent with the general purposes and intent of the Zoning Ordinance as it would meet the development requirements in the single family zone. Staff supports that the project is generally consistent with existing patterns of development for the neighborhood, and will promote uniformity of improvement to existing structures on the site as detail in the following below.

Uniformity of Improvement

The subject property is an irregular quadrilateral-shaped lot. The orientation of the existing residence creates the largest encroachment (approximately six inches) at the front of the lot and the encroachment decreases over distance; the existing residence's encroachment decreases to approximately four inches. The proposed addition would extend the existing plane of the building by approximately 32'-0". The encroachment would decrease to approximately two inches at the rear of the proposed addition. 13.8 square feet of the proposed 914 square foot addition would be located in the northeastern interior setback, which staff considers to be a minimal encroachment since the encroachment ranges from 2-4 inches. When including the existing development, 23.5 square feet of the proposed 2,059 square foot residence would be located in the northeastern interior setback.

Neighborhood Pattern of Development

Per City records documenting zone changes, the subject parcel and surrounding parcels were included in a down-zone in the 1970's; the parcels' zone changed from E-2 (now RS-10 under SBMC Title 30) to E-1 (now RS-15). The required interior setback under the previous zone was 8'-0", rather than the 10'-0" setback that is required now. Further, the front setback increased from 25'-0" to 30'-0" and the required minimum lot size increased from 10,000 to 15,000. The subject lot is non-conforming to the interior setbacks, front setback, and minimum lot size.

The applicant submitted a neighborhood study (Exhibit D) indicating that all surrounding neighbors appear to be non-conforming to the interior setback requirement that staff reviewed and confirmed with City records. 762 and 752 Juanita Avenue (the two adjacent neighbors to the subject lot) have documented non-conformities to both the front and interior setbacks. 762 Juanita's non-conforming interior setback would be adjacent to the proposed interior setback encroachment; however, like the subject lot, the non-conforming nature decreases over the length of the parcel due to its shape. The residence and garage at 762 Juanita Avenue encroaches approximately 4'-0" into the required 10'-0" interior setback at the front of the lot, but is located approximately 15'-0" from the interior property line where the proposed addition would be located. City records indicate that 841 Margo Street (to the rear of the subject lot) is non-conforming to the front setback, 753, 761, and 767 Juanita (all across the street from the subject lot) are non-conforming to interior setbacks with encroachments ranging from four to eight feet.

The proposed addition would be screened from the adjacent neighbor to the northeast by a proposed block wall with wood fence atop it, totaling 9'-6" in height. The existing fence sits atop a wooden wall and varies in height, from 7'-0" tall towards the front of the existing dwelling to

approximately 9'-0" towards the rear of the dwelling due to the grade. The proposed block wall would be a more formal retaining wall for the privacy fence, and would have a maximum height of 12'-0". The windows for the proposed addition would all be lower than the proposed wall and fence, limiting any privacy concerns for the adjacent neighbor. The adjacent neighbor (at 762 Juanita) has also submitted a letter of support for the project (see Exhibit E).

Environmental Review

According to the City's Master Environmental Assessment Report the project is not located in any archaeological or biological overlay areas. No technical studies were required for environmental review. Since the lot is developed with a single family residence in the Hillside Design District, the project is subject to Storm Water Management Plan (SWMP) Tier 3 requirements.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).

V. FINDINGS

The Staff Hearing Officer finds that the Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure development that is generally consistent with existing patterns of development in the neighborhood and promote uniformity of improvement to the existing structure on the site. The proposed addition would continue the plane of the existing non-conforming structure, the encroachment would decrease to a minimal encroachment, and the addition has been reviewed by the Single Family Design Board and determined to be compatible with the size, bulk, and scale of neighboring development. Further, the lot is one of several in the neighborhood that's development is non-conforming to interior setbacks due to a zone change in the 1970's.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated January 22, 2018 and site photos
- C. SFDB Minutes, dated January 8, 2018
- D. Applicant's Neighborhood Study
- E. Letter of Support from Elaine Levy, property owner of 762 Juanita Avenue, dated January 29, 2018

Contact/Case Planner: Stephanie Swanson, Assistant Planner
(SSwanson@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4569



City of Santa Barbara California

***** SEPARATELY DISTRIBUTED SITE PLAN *****

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

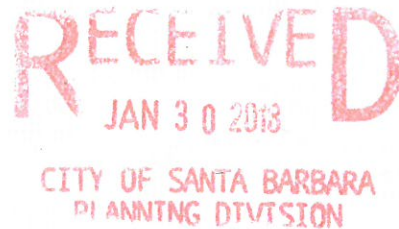
Cliff Hubbard
758 Juanita Ave, Santa Barbara, CA 93109
408-707-2470

Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

January 22, 2018

Re: Modification Request for a six inch (6") encroachment into ten foot (10') Interior Setback.

Project Address: **758 JUANITA AVE**
Case Number: **MST2017-00786**
APN: **035-073-010**
Land Use Zone: **RS-15**



Dear Staff Hearing Officer,

There is an existing 1205 square foot (gross) single-unit residence with a 432 square foot (gross) attached two-car garage on the property. This original house was permitted and built in 1957 to comply with all zoning ordinances in effect at the time. At some point in time the City adopted new setbacks requirements and now the same project is encroaching 6" into the ten-foot interior setback on the North side. The Proposal is to add a 952 square foot (gross) addition to the rear/northern side of the existing property.

The modification being requested is to allow the two-bedroom, two-bathroom addition to encroach 6" into the required 10' interior yard setback. Most of the original homes in this 60 year-old tract are now non-conforming to the City's adopted setbacks. The lot in question, and the lots adjoining the property are all pie shaped and the distance between the homes widen as they move from front to back. The proposed encroachment will allow the new addition to keep the same architectural plane as the original home without getting any closer to the neighboring home to the North. The same neighbor encroaches into the setback by as much as five feet (5') on the same side of the property. To create a conforming addition on our property would have a negative impact on the proposed design and would impose additional costs as the architectural, structural, and civil engineering plans have already been completed. The proposed one-story addition has been downsized from an approved two-story project and as much square footage as possible is still needed for our expanding family.

This is an appropriate improvement on the lot and the major benefits of having the 6" encroachment into the required setback are: The existing architectural design and addition are consistent with the neighborhood; the architectural design is more appealing with the solid plane; it satisfies the intent of the interior setback by not getting any closer to the non-conforming neighboring home; while improving the lot, it wouldn't have an adverse affect to the neighboring property; would not alter the interior design and would eliminate the need to redesign plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Hubbard", is written over the word "Sincerely,".

Cliff Hubbard
Property Owner

EXHIBIT B

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**8. 758 JUANITA AVE****RS-15 Zone****(6:30)**

Assessor's Parcel Number: 035-073-010
Application Number: MST2017-00786
Owner: Hubbard 2003 Living Trust

(Proposal to construct a 914 square foot addition to an existing 1,145 square foot single residential unit with a 406 square foot attached garage. The proposed project also includes an interior remodel of 1,205 square feet, a new garage door, and a new stone veneer chimney. The proposed total of 2,465 square feet of development on a 13,242 square foot lot located in the Hillside Design District is 60% of the maximum allowable floor-to-lot area ratio (FAR). Staff Hearing Officer review is requested to allow the residential addition to encroach into the required interior setback.)

(Comments Only. Project requires Staff Hearing Officer review.)

Actual time: 6:22 p.m.

Present: Tony Xiques, Applicant; and Cliff Hubbard, Owner

Public comment opened at 6:21 p.m., and as no one wished to speak, it closed.

Motion: Continue to the Staff Hearing Officer for return to the Full Board with comments:

1. The proposed modification is aesthetically appropriate, and the Board approves the encroachment on the northeast side. The proposed modification does not pose consistency issues with SFDB Design Guidelines or City Ordinances.
2. The Board finds the proposed project modest and appropriate in size, mass, and bulk, and compatible to the neighborhood.

Action: James/Miller, 5/0/0. (Ferrell and Ziegler absent.) Motion carried.

*** MEETING ADJOURNED AT 6:34 P.M. ***

EXHIBIT C

758 Juanita Ave.

MST# 2017-00786

PN# 035-073-010



City of Santa Barbara - MAPS



0.0 0 0.01 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of Santa Barbara

Reported on 11/15/2017 08:38 AM **EXHIBIT D**

MAP DISCLAIMER

This service has been provided to allow a visual display of City information. Every effort has been made to ensure the accuracy of the map and data. The City of Santa Barbara assumes no responsibility arising from the use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT A WARRANTY OF ANY KIND. This map was created using the City of Santa Barbara Mapping Analysis and Printing System application.



City of Santa Barbara - MAPS

**752
Juanita Ave.
1-Story**









City of Santa Barbara - MAPS



761
Juanita Ave
1-Story





City of Santa Barbara - MAPS

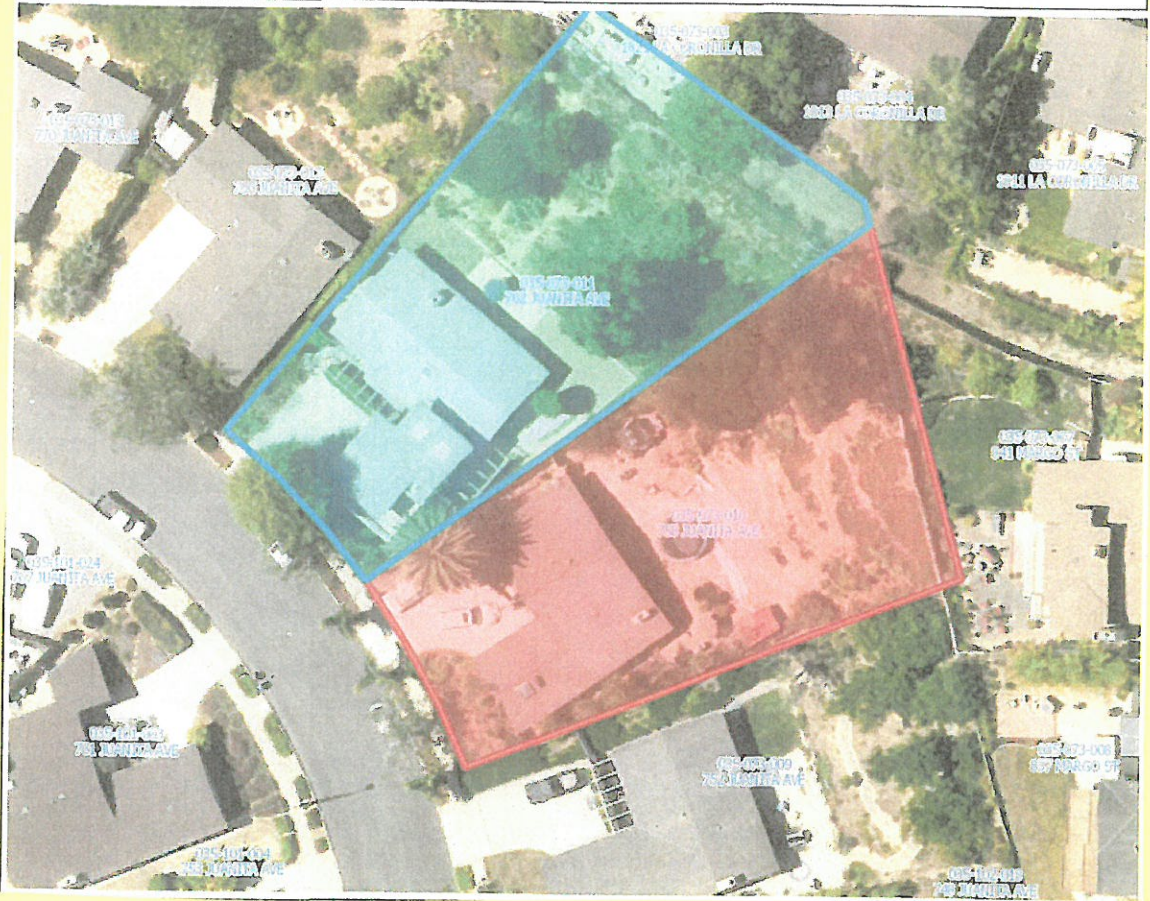


767
Juanita Ave
1-Story





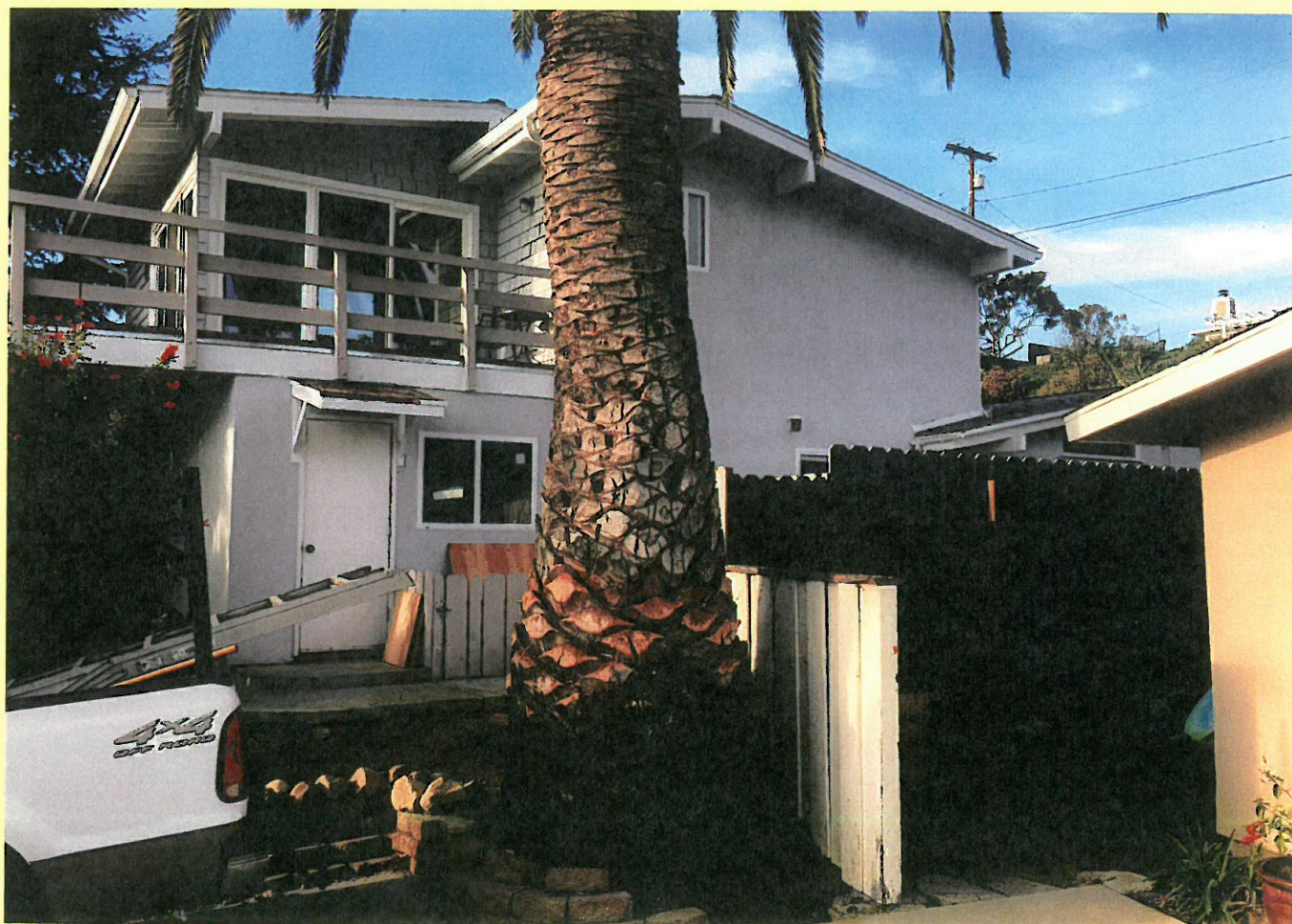
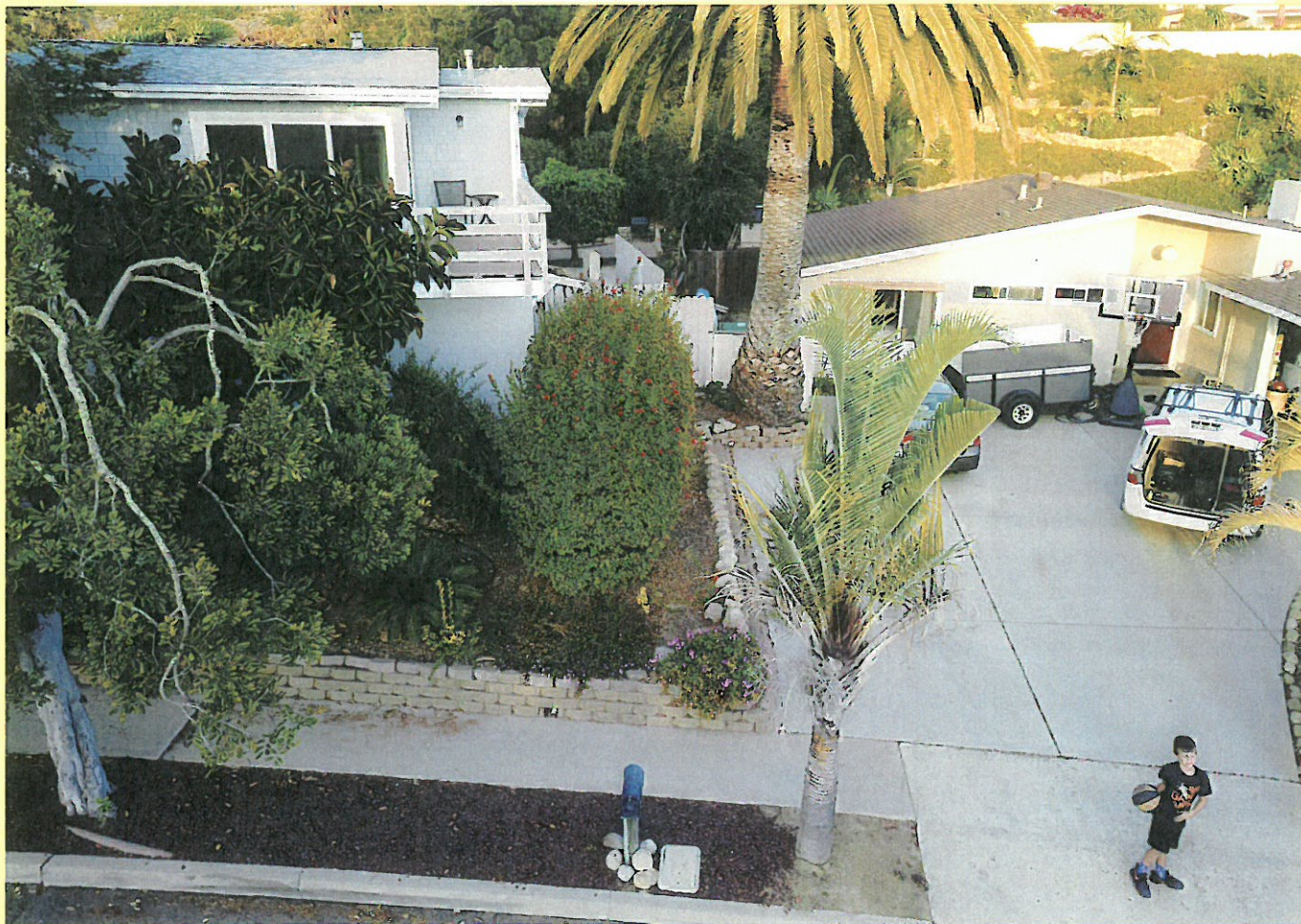
City of Santa Barbara - MAPS

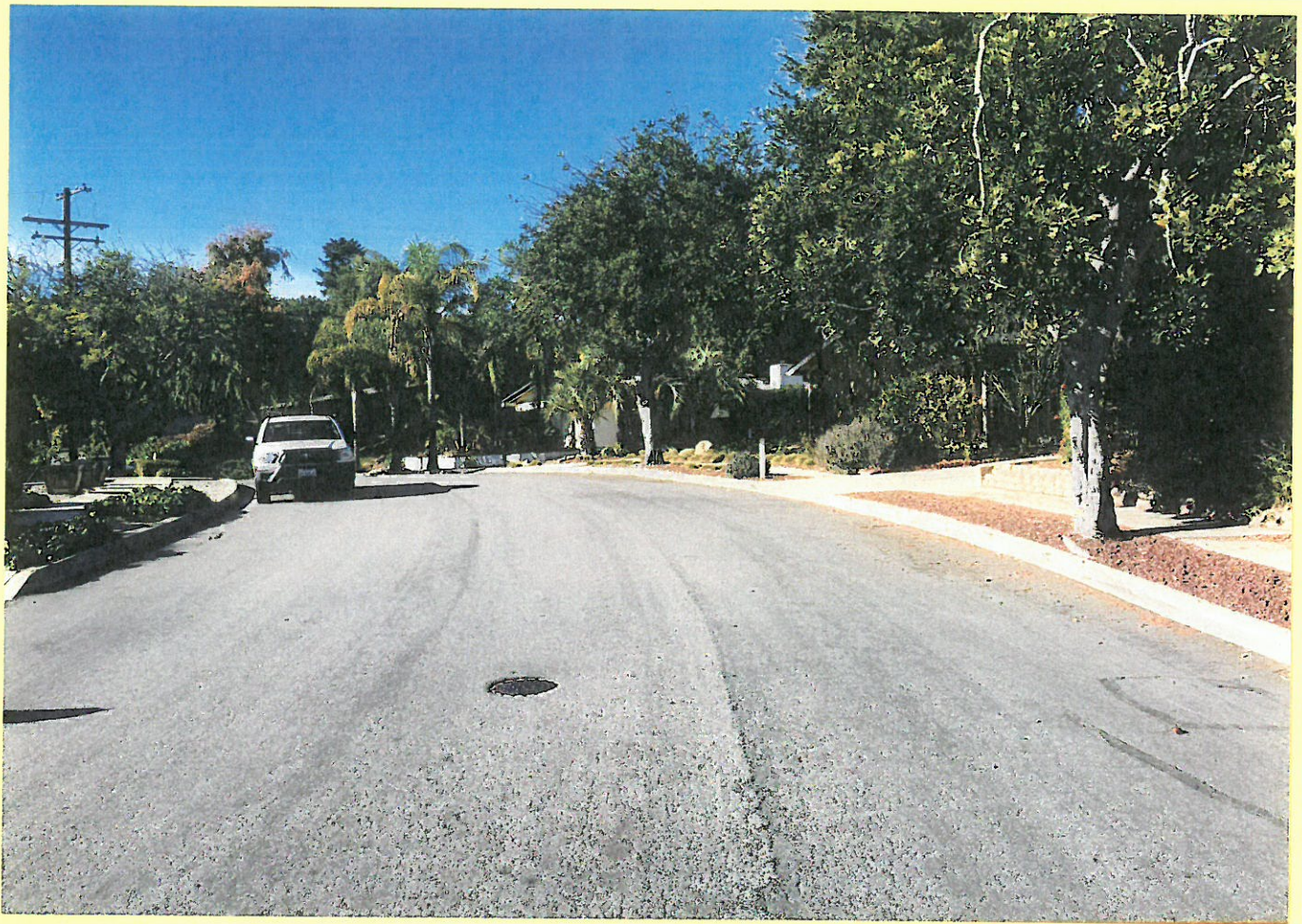


762
Juanita Ave
2-Story



762 Juanita Ave. is the Adjoining Property to the North of 758





Juanita Ave - Looking North

Looking South





Front (West) Elevation



Front (North/West Corner) Elevation



Side (North) Elevation



Rear (East) Elevation



Side (South Porch) Elevation



Side (South) Elevation



Front (West Garage) Elevation



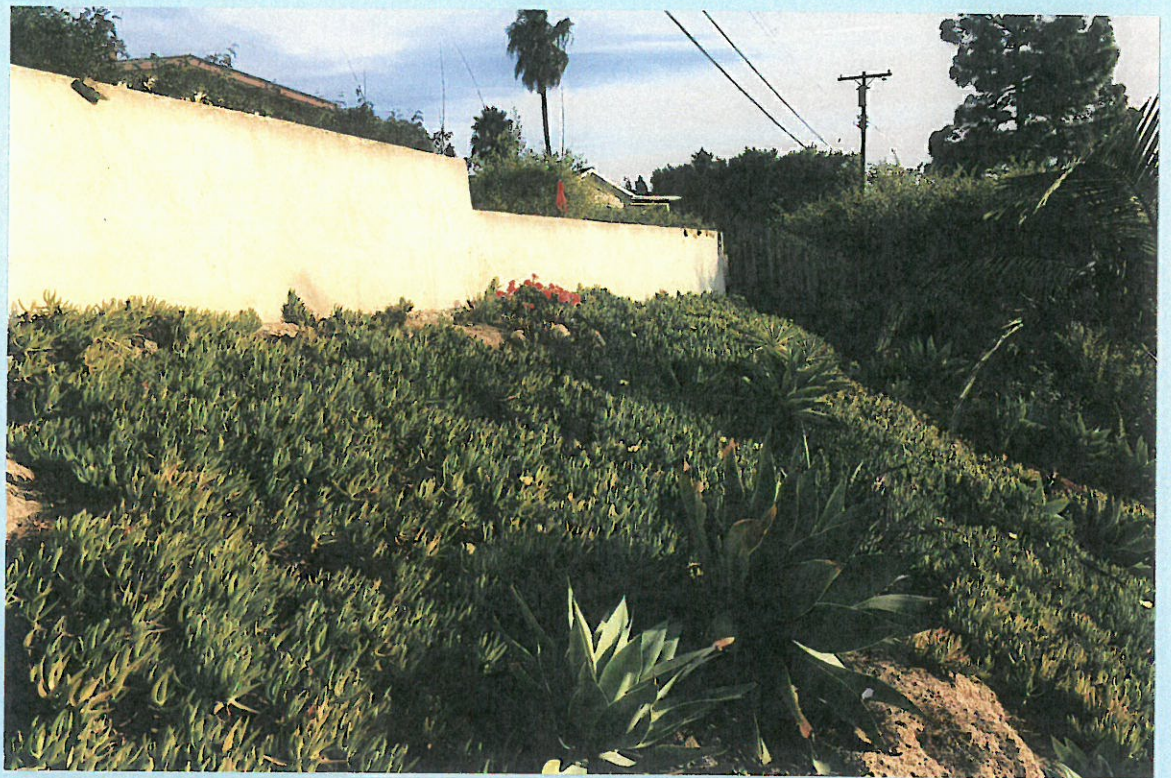
Front (West) Elevation



North Fence 6' Wood



North Fence 40" Cyclone



East Fence 4' to 6' Masonry



South Fence 6' Wood

Elaine Levy
762 Juanita Ave
Santa Barbara, CA 93109

January 29, 2018

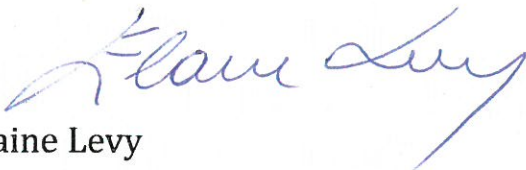
Staff Hearing Officer City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: Proposed addition to 758 Juanita Ave – Hubbard Residence

Dear Staff Hearing Officer,

I am writing this letter in support of our neighbor's proposed addition at 758 Juanita Ave. Cliff Hubbard has met with us, shared the plans, and discussed the proposed modification requirement for the interior setback adjacent to our property. This project is an appropriate improvement for their lot and our neighborhood. In our opinion, there would be no reason to move the addition 5" or 6" away from our property line. The single story proposal follows the plane of the existing home and does not negatively impact our property.

Sincerely,



Elaine Levy

EXHIBIT E